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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,607	05/19/2005	Tomoyuki Miyake	63476 (70904)	7602
21874	7590	04/12/2007		
EDWARDS ANGELL PALMER & DODGE LLP			EXAMINER	
P.O. BOX 55874			AGUSTIN, PETER VINCENT	
BOSTON, MA 02205			ART UNIT	PAPER NUMBER
			2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/535,607

Applicant(s)

MIYAKE ET AL.

Examiner

P. Agustin

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-11, 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This application is a 371 of PCT/JP03/12807, filed on October 6, 2003.
2. Claims 1-24 are now pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

6. Claims 4-11, 23 & 24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
7. Claims 3 & 17 are objected to because of the following informalities:

Claim 3, line 9: "the reproduction means" should be --the reproducing means--.

Claim 17, line 9: please delete the comma after "medium".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2627

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 12-14, 16, 17 & 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Higaki et al. (JP 2002-290899) (please refer to the machine translation).

In regard to claim 1, Higaki et al. disclose a reproducing apparatus (Drawing 1) for reproducing information stored in an information storage medium (1), the reproducing apparatus comprising: reproducing means (2) for reproducing the information stored in the information storage medium; recognition means for recognizing identification information for identifying the information storage medium (understood from paragraph 0030: “identification information”); memory means (16) for storing information including the identification information (see paragraph 0030); reproduction halt control means (12) for causing the memory means to store, when halting a reproduction of an information storage medium, (i) identification information of the information storage medium (see paragraph 0030), which identification information has been recognized by the recognition means, and (ii) halt position information (see paragraph 0029: “last memory information”) such that the identification information and the halt position information are correlated with each other (paragraph 0030: “judges whether it is in agreement with the identification information of the disk proper within last memory information”), the halt position information identifying a halt position on the information storage medium, from which halt position the reproducing means starts a reproduction of the information storage medium so that a next reproduction of the information storage medium starts from the halt position (see paragraph 0027: “resume function (last memory function)”); and reproduction start control means (12) for controlling a reproduction start position in accordance with the halt position

Art Unit: 2627

information stored in the memory means, when starting a reproduction of the information storage medium.

In regard to claim 2, Higaki et al. disclose that when halting a reproduction of an information storage medium whose identification information is not recognizable by the recognition means (this is the condition “when the identification information of the disk which is going to start playback is not in agreement with the identification information of the disk proper within last memory information” described in paragraph 0030), the reproduction halt control means sets identification information for the information storage medium, and causes the memory means to store (i) the identification information thus set and (ii) halt position information such that the identification information and the halt position information are correlated with each other; and when starting a reproduction of the information storage medium whose identification information is not recognizable by the recognition means (the condition noted above), the reproduction start control means (12) controls a reproduction start position in accordance with the halt position information that is correlated with the identification information, stored in the memory means, that has been set when halting the reproduction.

In regard to claim 3, Higaki et al. discloses that the memory means (16) is able to store (i) respective identification information of information storage media (paragraph 0030: “identification information of the disk”), and (ii) respective halt position information (paragraph 0029: “last memory information”) of the information storage media; and when starting a reproduction of an information storage medium, the reproduction start control means (12) controls the reproduction means (2) in accordance with halt position information of an

Art Unit: 2627

information storage medium to be reproduced, among the halt position information of the information storage media stored in the memory means.

In regard to claim 12, Higaki et al. disclose a reproducing apparatus (Drawing 1), comprising: recognition means for recognizing identification information identifying an information storage medium (understood from paragraph 0030: "identification information"); memory means (16) for storing identification information recognized by the recognition means; reproduction halt control means (12) for causing the memory means to store the identification information and halt position information (see paragraph 0029: "last memory information") for identifying a reproduction halt position on the information storage medium such that the identification information and the halt position information are correlated with each other (paragraph 0030: "judges whether it is in agreement with the identification information of the disk proper within last memory information"), when halting a reproduction of the information storage medium; and reproduction start position control means (12) for determining, prior to a reproduction of the information storage medium and in accordance with the halt position information, a reproduction start position at a position which comes before the reproduction halt position (see patent claim 2: "resume playback starting position in the range to a front predetermined location from the above-mentioned predetermined location"), and for starting a reproduction from the reproduction start position.

In regard to claim 13, Higaki et al. disclose that the information storage medium contains a moving image (note "video signal" in paragraph 0024), and the reproduction start position control means (12) temporarily suspends the reproduction at the reproduction halt position, and

Art Unit: 2627

displays a still image (paragraph 0031: "playback drawing halt"), and then restart a reproduction from the reproduction halt position (paragraph 0033: "resume playback").

In regard to claim 14, Higaki et al. disclose timer means for measuring time of displaying the still image, and for setting time to be measured (note paragraph 0034: "fixed time amount set up beforehand"), wherein: the reproduction is restarted after the time thus set elapses (paragraph 0034: "resume playback"), or the reproduction is restarted upon receipt of a reproduction instruction (paragraph 0036: "when a last memory key is pushed") during displaying of the still image.

Claims 16, 17 & 19-22 have limitations similar to those of claims 1-3, 12 & 14; thus, they are rejected on the same basis.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 15 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higaki et al. in view of Kurata et al. (US 5,315,400) and Fujita et al. (US 5,974,219).

For a description of Higaki et al., see the rejection above. Furthermore, Higaki et al. disclose: in regard to claim 15, display means (understood from paragraph 0021: "outputs a video signal"); and input means for setting the reproduction start position (understood from paragraph 0032: "resume playback starting position"), wherein: the reproduction start position

Art Unit: 2627

control means (12) starts a reproduction from the reproduction start position which has been set via the input means (paragraph 0027: "resume function").

However, Higaki et al. do not disclose: in regard to claim 15, that the display means displays the *identification information* and the *halt position information*.

Kurata et al. disclose: in regard to claim 15, displaying identification information (see patent claim 7). It would have been obvious to one of ordinary skill in the art at the time of invention by the applicant to have applied the teachings of Kurata et al. to the apparatus of Higaki et al., the motivation being to enable a user to verify compatibility (see column 3, lines 3-8).

Fujita et al. disclose: in regard to claim 15, displaying halt position information (see patent claim 13). It would have been obvious to one of ordinary skill in the art at the time of invention by the applicant to have applied the teachings of Fujita et al. to the apparatus of Higaki et al., the motivation being to obtain high efficiency in video editing (see column 3, lines 9-15).

Claim 18 has limitations similar to those of claim 15; thus, it is rejected on the same basis.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokota et al. (US 5,619,483) disclose automatic termination of recording, which includes detecting the stop of reproduction by using discrimination as to the occurrence or nonoccurrence of control data and audio data.

Furukawa et al. (US 6,388,960) disclose a disk player having a mechanism for discriminating whether a disk is a memory disk or an audio disk, and for setting a pause mode when the disk is judged as a memory disk.

Takeuchi (US 7,184,376) discloses a reproducing apparatus having a function of obtaining time information of a stop and a discrimination ID and records these as resume data.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Agustin
Art Unit 2627


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER